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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/841,397	04/30/1997	SHINYA MATSUOKA	063170.6251	3144
5073	7590	07/25/2007		
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER DINH, KHANH Q	
			ART UNIT 2151	PAPER NUMBER
			NOTIFICATION DATE 07/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com  
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<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	Application No. 08/841,397	Applicant(s) MATSUOKA, SHINYA	
	Examiner Khanh Dinh	Art Unit 2151	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 Khanh Dinh  
 Primary Examiner  
 Art Unit: 2151

Continuation of 11. does NOT place the application in condition for allowance because: Applicant asserts that the cited references do not teach mixing means for mixing said real time audio data and store audio data associated with at least one point audio source into spatialized audio data and the mixing means including attenuation operable to provide distance-based attenuation according to a plurality of functions, each sound decay function being associated with a respective one of the plurality of audio clients or the at least one point source and a different volume/distance relationship.

Applicant respectfully point out that the combination of reference discloses the Applicant's claimed invention. For example, Bruno discloses an audio conference sever (ACS) for enabling an application program to provide multi-point (22a, 22b, 22c fig. 1) . Bruno does not specifically disclose mixing means for mixing means for mixing said real time audio data and store audio data associated with at least one point audio source into spatialized audio data and the mixing means including attenuation operable to provide distance-based attenuation according to a plurality of functions, each sound decay function being associated with a respective one of the plurality of audio clients or the at least one point source and a different volume/distance relationship. However, Cohen discloses mixing means for mixing said real time audio data and store audio data associated with at least one point audio source into spatialized audio data (using Cohen's audio mixers, for transferring data to multiple audio resources, see page 85, section 0.1) and the mixing means including attenuation operable to provide distance-based attenuation according to a plurality of functions (virtual gain is calculated by the effects of the distance between source and sink. In this case, Cohen discloses using sound sources as points reflect changes to the Virtual gains, see pages 87-88), each sound decay function being associated with one of the plurality of audio clients or the at least one point source and a different volume/distance relationship [i.e., the distance -dependent gain parameter used in MAW (moving source/moving sink) and listeners can alter these different parameters among the teleconferees, see Cohen's section 1.2, distance dependent-gain and fig.3, pages 85-88]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize Cohen's audio data mixer in Bruno's audio conference server to control the volume of a sound source and a listener because it would have allowed multiple simultaneous audio sources to coexist in a modifiable display without user stress (see Cohen's section 0.1). Therefore, the rejection is respectfully maintained

Applicant further asserts that the cited references do not disclose a plurality of predefined decay functions such as an audio big decay function, an audio small decay function, an audio medium decay function and a constant decay function.

Examiner respectfully point out that Cohen discloses a plurality of decay functions such as a continued gradual decay characteristics (see Cohen's fig.3). Therefore, Cohen inherently discloses an audio big decay function, an audio small decay function, an audio medium decay function and a constant decay function. Cohen further discloses said sound decay characteristic may take into account decay characteristics according to a sound's behavior (Virtual gain is calculated by the effects of the distance between source and sink. In this case, Cohen discloses using sound sources as points reflect changes to the Virtual gains, see pages 87-88) .